IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11/10/2002

Coram

THE HON'BLE MR.JUSTICE E.PADMANABHAN

WRIT PETITION NO. 10037 OF 2002

G.Karthick ..Petitioner

-Vs-

1. University of Madras
rep. By its Registrar
Chepauk, Chennai-5

2. The Controller of Examinations
University of Madras
Centenary Buildings
Chepauk, Chennai-5 ..Respondents

For petitioner :: Mr.K.yamunan

For respondents:: Mr.A.V.K.Ezhilmani

Writ Petition preferred under Art.226 of The Constitution of India
seeking for the issue of a writ of mandamus, as stated therein.

:O R D E R

The writ petitioner prays for the issue of a writ of mandamus directing the respondents 1 and 2 to produce the answer sheet in Subject CS-304 bearing Registration No.8010016 in the B.E.Degree Examination held in October 2001 and direct the answer sheet revalued by any competent examiner.

2. After hearing the counsel for the writ petitioner and the counsel for the respondents a direction had been issued for production of the Examination Answer Sheets relating to the petitioner in respect of the subject "Principles of Programming Language", Subject Code CS 30 4 conducted on 15.11.2001 F.N., Session. As seen from the marks awarded by the University Examiner, the petitioner has secured only 17 marks. The University Examiner has awarded either 0 mark or 1 mark and only in respect of two questions the University Examiner has awarded 3 marks each and for one question awarded 5

marks.

3. It is the assertion of the petitioner that he is a very bright student and he has secured high marks in every other paper which he has appeared in the same Examinations, namely third semester examinations held in 2001. It is the claim of the petitioner that he secured 89.37% of marks on an average, but he was awarded only 37 marks out of 100 in the Subject "Principles of Programming Language" which is below the minimum mark for a pass. It is claimed that the petitioner has secured 20 out of 20 in the Internal Examination, but he has been awarded only 17 marks out of 80 in the Theory paper. The petitioner asserted that he has answered all the 15 questions nearly in 35 foolscap pages and that it is highly unbelievable that he has secured only 17 marks out of 80 marks. The petitioner approached the respondents for revaluation which has been turned down. But only on retotalling, the respondents have affirmed that there is no mistake in the totalling.

4. As certain serious allegations have been made with respect to the evaluation of the petitioner's answer sheets by the counsel for the petitioner Mr.K.Yamunan, and as the learned counsel for the petitioner relied upon few pronouncements of the Apex Court as well as this court, this court perused the answer sheets in respect of the Subject Principles of Programming Language. The University Examiner who has evaluated the answer paper alone has signed and the Chief Examiner has not signed. In respect of ten questions in Section A, out of 2 marks, either 1 mark has been awarded or 0 mark has been awarded. For 6 questions out of 10 questions, the University examiner has awarded only one mark each and the remaining four questions the Univeristy Examiner has awarded 0 mark. In part B, for question No.11, the University Examiner has awarded 3 marks, 0 marks for Question No.12, 5 marks for Question No.13, 3 marks for Question No.14 and 0 marks for Question No.15. As the allegations are very serious, have serious consequences and as the evaluation has been challenged, the counsel for the petitioner and respondent submitted the said paper be evaluated by an independent examiner.

5. With the consent of counsel for either side, this Court summoned Dr.R.M.Suresh, Head of the Department, Department of Computer Science and Engineering, R.M.K.Engineering College, Kavaraipettai. Dr.R.M. Suresh evaluated the answer sheets, admitted to be that of the petitioner.

6. According to his evaluation, in Part-A, all the ten answers are correct and according to him part-A evaluation may vary person to person based on their perception and expectation while in respect of Part-B, which is a theory paper for every question the answer written by the student has to be considered.

7. According to Dr.R.M.Suresh, awarding of 0 mark in the light of the answers to the questions is rather not normal. In respect of Part-A, the said Dr.R.M.Suresh awarded one mark each for question Nos.1,2,3,4 and 10, and 2 marks for Question Nos: 5,6,7,8 and 9. In respect of Part-B, Dr.R.M.Suresh after assessing the answers awarded 6 marks for Question No.11(a) as against 3 marks awarded by the University Examiner; 8 marks for Question No.12(b) as

against 0 marks awarded by the University Examiner; 10 marks for question No.13(b) as against 5 marks awarded by the University Examiner; 8 marks for Question No.14(a) as against 3 marks awarded by the University Examiner and 9 marks for question No.15(a) as against 0 marks awarded by the University Examiner. It is also admitted that Dr.R.M.Suresh is a qualified examiner and he is an experienced University Examiner. In all, Dr.R.M. Suresh awarded 56 marks out of 80 marks as against 17 marks out of 80 marks awarded by the University Examiner. The disparity being high, this court pointed out the same to the counsel for the University.

8. The counsel for the University while submitting that there may be a difference of one or two marks in respect of each question and it is rather not normal for one Examiner to award 0 marks while the other Examiner award 6 marks or 8 marks or 10 marks or 8 marks of 9 marks as against 3 marks, or 0 marks, or 5 marks, or 3 marks or 9 marks respectively for Part-B questions. Mr.Ezhilmani, learned counsel for the University contended that it is better another examiner may be called upon to assess the answer sheets of the petitioner. Accordingly, the matter was adjourned and this court requisitioned a new Examiner from a different institution. Accordingly, on 7th October, 2002, Dr.T.Sasipraba, M.E. (CSE)Ph.D., who is the Head of the Department of the Department of Computer Sciences and Engineering, Sathyabhama Institute of Science and Technology attended the court.

9. This court without disclosing the assessment made by Dr.R.M. Suresh, requested Dr.T.Sasipraba to evaluate the answer sheets of the petitioner. Dr.T.Sasipraba evaluated the answer paper of the petitioner and part of her statement reads thus:

" I found that all the questions in Part-A except the Question No.10, is fully correct and Question No.10 is partially correct. So I gave full mark (2) to all questions except question No.10, for that I gave half of the mark (1). So Part-A totally carries 19 marks."

10. In respect of Part-B for question No.11(a), Dr.T.Sasipraba awarded 8 marks, for question No.12(b) awarded 5 marks,for question No.13(b) awarded 10 marks, for Question No.14(a) awarded 7 marks and for question No.15(a) awarded 7 marks, as respectively as against 3 marks, 0 marks, 5 marks, 3 marks and 9 marks awarded by the University Examiner. Dr.T.Sasipraba also on evaluation awarded 56 marks out of 80 marks and she being an independent examiner also stated that she cannot digest the marks already awarded by the University Examiner in the front page of the answer sheet. She has also rightly pointed out that the Chief Examiner has not signed in the front page of the answer sheet.

11. For easy reference, and comparative estimation,
(i) the marks awarded by the University Examiner, (ii)Dr.R.M.Suresh and (iii)Dr.T.Sasipraba are tabulated below:-
Question Nos.

Marks awarded by University Examiner	Marks awarded by Dr.R.M.Suresh	Marks awarded by Dr.T.Sasipraba
1		
1		
1		
2		
2		
1		
1		
2		
3		
1		
1		
2		
4		
0		
1		
2		
5		
1		
2		
2		
6		
1		
2		
2		
7		
1		
2		
2		
8		
0		
2		
2		
9		
0		
2		
2		
10		
0		
1		
1		
11(a)		
3		
6		
8		
12(b)		
0		
8		
5		

13(b)
5
10
10
14(a)
3
8
7
15(a)
0
9
7
Total
17
56
56

12. On a comparison of the marks awarded by Dr.R.M.Suresh and Dr.T.Sasipraba, this court finds except for small variance in respect of marks awarded, the total comes to 56 marks out of 80 marks for the same answer sheet. The total marks awarded by Dr.R.M.Suresh and Dr.T. Sasipraba tallies and it is an accidental one. But there is variance in respect of marks awarded for each question, between the assessment of Dr.R.M.Suresh and Dr.T.Sasipraba. It may be due to the subjective satisfaction of each one of them. But this court has no reason not to accept the assessment of the two independent Examiners as against the University Examiner who has miserably failed to award marks even for the right answers.

13. The evaluation by the University Examiner is no evaluation in the eye of law. There being no evaluation as seen from the answer sheet, the University Examiner has awarded 0 marks while other examiners have given substantial marks in their assessment and awarded marks as according to them answers are correct. Therefore, it is clear that evaluation by the University Examiner deserves interference as it demonstrably falls short of normal standards.

14. There is a provision for revaluation of answer papers and there is no bar in the University Regulations which prohibits reassessment or re-valuation of the answer sheets, if a case is made out.

15. In the circumstances, this court while accepting the assessment of marks awarded by Dr.T.Sasipraba, who has also given equal marks to that of the marks awarded by Dr.R.M.Suresh, declares that the petitioner has secured 56 marks out of 80 marks in the Theory " Principles of Programming Language", subject Code CS-304 conducted on 15.11.20 01 F.N., The petitioner has been awarded 20 marks in the internal assessment which is not in dispute, while he was awarded 17 marks in the theory paper. As against 17 marks awarded by the University Examiner, there will be a direction to award 56 marks out of 80 marks and in all 76 marks out of 100 for the "Principles of Programming Language", Subject Code: CS-304.

16. The respondents 1 and 2 are directed to issue amended mark sheet in favour of the petitioner for the said Subject Code CS-304, " Principles of Programming Language" within four weeks from the communication of this order or production of a coy thereof.

17. Before parting with the writ petition, this court has to comment upon with heavy heart the serious omission and dereliction on the part of the University Examiner concerned who has failed to perform his obligation as a model examiner and it is shocking that such could be the standard of

evaluation of a University Examiner. This court leaves at that stage and it is for the University to take appropriate measures to avoid such assessment of answers sheets in future, less the student community will suffer.

18. Though, Mr.A.V.K.Ezhilmani, suggested that the University Examiner be summoned who has assessed the petitioner's answer sheets, this court is not inclined to adopt such a course as it may cause serious embarrassment to the Examiner and less said is better. However, it is for the University Authorities to assess and initiate such action as the situation and facts warrant as against the Examiner to maintain the standards of the University.

19. The answer sheets of the petitioner as well as the sheets of evaluation by Dr.R.M.Suresh and evaluation of Dr.T.Sasipraba are handed over to the counsel for the respondent/University.

The Writ Petition is allowed with the above direction. Consequently, connected WPMP is closed. No costs.

Index:Yes
Website: Yes
Gkv.

To.

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